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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
10/027,467	12/20/2001	Michael Alan Schmidt	659/793	1568

757 7590 08/03/2007
BRINKS HOFER GILSON & LIONE
P.O. BOX 10395
CHICAGO, IL 60610

EXAMINER

ALIE, GHASSEM

ART UNIT	PAPER NUMBER
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3724

MAIL DATE	DELIVERY MODE
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08/03/2007

PAPER

Please find below and/or attached an Office communication concerning this application or proceeding.

The time period for reply, if any, is set in the attached communication.

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APPLICATION NO./ CONTROL NO.	FILING DATE	FIRST NAMED INVENTOR / PATENT IN REEXAMINATION	ATTORNEY DOCKET NO.
10027467	12/20/01	SCHMIDT ET AL.	659/793

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CHICAGO, IL 60610

EXAMINER

Ghassem Alie

ART UNIT**PAPER**

3724

20070730

DATE MAILED:

Please find below and/or attached an Office communication concerning this application or proceeding.

Commissioner for Patents

See attachment.

Acknowledgment of Reply Brief

1. The reply brief filed on May 24, 2006 has been entered and considered. The application has been forwarded to the Board of Patent Appeals and Interferences for decision on the appeal.
2. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Ghassem Alie whose telephone number is (571) 272-4501. The examiner can normally be reached on Mon-Fri 8:30 am - 5:00 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Boyer Ashley can be reached on (571) 272-4502. The fax phone number for the organization where this application or proceeding is assigned is (571) 273-8300.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, SEE <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Ghassem Alie
Patent Examiner
Art Unit 3724

Ghassem Alie

GA/ga

July 30, 2007

THIS OPINION WAS NOT WRITTEN FOR PUBLICATION

The opinion in support of the decision being entered today (1) was not written for publication in a law journal and (2) is not binding precedent of the Board.

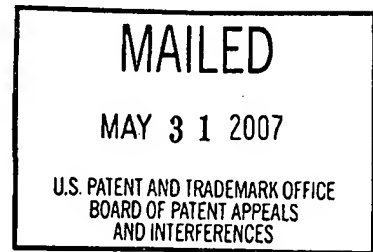
UNITED STATES PATENT AND TRADEMARK OFFICE

BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES

Ex parte MICHAEL ALAN SCHMIDT, PAUL KERNER PAULING
and JOEL ANDREW COWDEN

Appeal 2007-2293
Application 10/027,467

ON BRIEF



ORDER REMANDING TO THE EXAMINER

On May 24, 2006, the appellants filed a Reply Brief, which was received at the Office of Initial Patent Examination (OIPE), but due to clerical error, was omitted from the record. On May 15, 2007, the appellants filed a "Request for Change of Docket Notice", with supporting documentation of their May 24, 2006 filing, wherein they requested the Examiner's consideration of the Reply Brief.

Accordingly, this appeal is remanded to the jurisdiction of the examiner for consideration of the appellants' May 24, 2006 Reply Brief.

BOARD OF PATENT APPEALS
AND INTERFERENCES

By: Patrick Nolan

Patrick Nolan
Deputy Chief Appeals Administrator
(571) 272-9797

Corrected 9/2/07

Appeal 2007-2293
Application 10/027,467

cc: Amanda M. Miller
Brinks, Hofer, Gilson & Lione
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ewh